

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Barrow Music Group, :  
: :  
Plaintiff(s), : Case Number: 10cv36  
vs. : :  
: Chief Judge Susan J. Dlott  
Avista Records, et. al., :  
: :  
Defendant(s). : :  
:

ORDER

This matter is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and filed with this Court on July 15, 2010 a Report and Recommendation (Doc. 23). Subsequently, the plaintiff filed objections to such Report and Recommendation (Doc. 29).

On December 17, 2010, Magistrate Judge Stephanie Bowman filed with the Court an additional Report and Recommendation (Doc. 39). The time for filings objections to this Report and Recommendation expired on January 10, 2011.

The Court has reviewed the comprehensive findings of the Magistrate Judge and considered de novo all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Recommendations should be adopted.

Accordingly, with regard to the Report and Recommendation filed July 15, 2010, plaintiff's motion for default judgment (Doc. 10) is **DENIED** and the Evans defendants' motion for leave to file answer instanter (Doc. 14) is **GRANTED**.

With regard to the Report and Recommendation filed on December 17, 2010, the Evans defendants' motion to compel arbitration (Doc. 20) and to dismiss the complaint (Doc. 19) is **GRANTED**. Plaintiff's complaint and Evans defendants' tendered counterclaim is **DISMISSED WITH PREJUDICE**. The Evans defendants' alternative motion to stay (Doc. 20) is **DENIED**. It is also **ORDERED** that plaintiff's motion for default judgment against Avista Records is **DENIED**. This case is hereby **TERMINATED** from the active docket of the Court.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court